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SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 22 March 2000, at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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STATEMENT BY MR. ABDULKADER BAJAMMAL, DEPUTY PRIME MINISTER AND
MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF YEMEN

ORGANIZATION OF THE WORK OF THE SESSION (continued)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION
(continued)

The meeting was called to order at 3.10 p.m.

STATEMENT BY MR. JOSCHKA FISCHER, MINISTER FOR FOREIGN AFFAIRS OF THE
FEDERAL REPUBLIC OF GERMANY

1 Mr. FISCHER (Germany) recalled that universal rights were inalienable and could not be weighed up against other foreign policy considerations, for example, commercial aims. Only the protection of human rights and the rule of law could guarantee stability and peace. They were also crucial requirements for sustainable development.

2 Human rights violations were no longer tolerated as the unavoidable cost of stabilizing a bipolar world. No State could any longer take advantage of the doctrine of non-interference or hide behind the principle of sovereignty in order to violate human rights. The key result of the previous year's debate in the United Nations General Assembly was that States' rights no longer took absolute precedence over human rights. The indictments against Pinochet and Milosević were milestones on the path to the international rule of law. Dictators and violators of human rights could no longer rely on never being brought to account.

3 The Kosovo conflict had been an important turning point. The international community had indeed shown that it was no longer willing to accept the use of terror and expulsion as political tools. However, the steps taken in that case, which were legitimate given the circumstances, must not set a precedent for undermining the Security Council's monopoly on authorizing the legal use of force.

4 The past year had also shown that the enforcement of human rights had its limits. The war in Chechnya had seen massive violations of those rights on both sides, with no means of influencing the parties. Germany recognized Russia's right to defend its territorial integrity, but could not accept the massive, continued and indiscriminate use of military force. The brutality against the civilian population was incompatible with international and European humanitarian standards. Germany demanded that Russia suspend military action and seriously seek a political solution, grant unhindered access to foreign aid agencies and international observers, respect human rights in Chechnya and uncompromisingly investigate human rights violations.

5 Even if there were occasional positive developments in respect for human rights around the world, one had to admit that violations of elementary human rights remained the order of the day and in some countries, like North Korea, the Democratic Republic of the Congo, Sierra Leone and Myanmar, they had even increased dramatically.

6 In the People's Republic of China, while the economic situation was improving, that of human rights had not developed at all positively. The persecution of political dissidents, members of Falun Gong, Christian groups and ethnic minorities, primarily Tibetans and Uighur, had again increased in the past year. More people were executed by China than by all other States of the world together.

7 The Federal Republic of Germany called on China to put an end to the persecution of political dissidents, to release those imprisoned for their political and religious convictions, to abolish the death penalty and other practices contrary to the rule of law, to grant religious

freedoms, bringing an end in particular to the suppression of Tibetan culture and religion, to begin a dialogue with the Dalai Lama and to deal with the issues between Beijing and Taipei peacefully and constructively

8 Five points would be of particular importance in the current year. First, it was essential to recognize the universality of human rights. On each continent and in every culture, the idea of those rights derived from varying historical, social, religious and philosophical backgrounds. Despite that diversity, the Universal Declaration of Human Rights had established universally valid rights and any attempt to limit or relativize that fundamental principle must be vigorously repudiated.

9 Secondly, the rule of law must be further extended. He called on all States rapidly to sign and ratify the Statute of the International Criminal Court, so that it could begin its work as soon as possible. In addition, the death penalty must be abolished all over the world.

10 A top priority for Germany was the swift adoption of the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography. In another area, that of the press, practical means must be found to improve the legal protection of journalists.

11 Thirdly, the protection of human rights was closely linked to democracy and the rule of law; it could only be envisaged over the long term in an environment marked by recognition of the dignity and equality of all before the law, in other words, in a democratic society based on the rule of law. Germany and the European Union intended to continue to promote and disseminate those values, which could not be described as just "Western". It was commendable that those topics would be the focus of two important conferences during the year, in Warsaw and Cotonou.

12 Germany also viewed as crucial the question of the protection of human rights activists, who did their work at great personal risk and sacrifice. The Commission should implement a mechanism to ease their working conditions.

13 Fourthly, the implementation of human rights presupposed that multilateral organs, above all the United Nations Security Council, were able to act. That had not been the case during the Rwanda and Kosovo conflicts, with catastrophic consequences for the peoples concerned. Those examples provided an incentive for a reform of the Security Council. That reform, long overdue, must include an increase in the number of permanent and non-permanent members and a strengthening of decision-making mechanisms.

14 Fifthly, there were unfortunately many indications that globalization had further deepened the divide between rich and poorer countries. It was necessary to give new shape to globalization, injecting it with universally valid values and codes of behaviour focused on the individual and not the market. Kofi Annan's courageous Davos initiative for a "global compact", taking all human rights into account, was firmly supported by the German delegation. Furthermore, the international financial institutions, the development agencies, the media and civil society must be harnessed to efforts to promote human rights, including, of course,

economic, social and cultural rights. In that connection, he asked for the cooperation of all delegations on the resolution on economic, social and cultural rights, sponsored the current year by Germany.

STATEMENT BY MS ANNA LINDH, MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

15 Ms LINDH (Sweden) stressed that there was no contradiction between development and human rights and that attacking poverty was a crucial contribution to promoting those rights. That was also why international solidarity was needed when a country was wrecked by disaster, as Mozambique had been recently. Sweden welcomed the fact that United Nations organs and agencies, as well as the World Bank, currently ensured the promotion of both civil and political rights and economic, social and cultural rights.

16 Too many children were still denied a future. Sweden welcomed the fact that the Working Group on an optional protocol concerning child soldiers had agreed on establishing an 18-year age limit for recruitment. Sweden continued to pay particular attention to the rights of women and to denounce discrimination against them. Hundreds of thousands of women were victims of violence, including rape, in times of armed conflict. Moreover, further efforts needed to be made to eliminate discrimination against persons with disabilities and to better protect minorities and indigenous people. The treatment of the Roma minority in several European countries was shameful.

17 The Commission on Human Rights could not stop wars, but it could analyse and act against the factors that underlay them. Kosovo, which had been at the centre of attention at the Commission's previous session, sadly remained a major preoccupation. The situation in Chechnya was appalling and Russia must take immediate steps towards political dialogue and a peaceful solution. Investigations must be launched into alleged violations of human rights and international humanitarian law with a view to bringing those responsible to justice. No one responsible for human rights violations should be able to escape; impunity belonged to the past. The proceedings against former President Pinochet, even though not concluded, were an important precedent. United Nations Secretary-General Kofi Annan had reminded Governments that none had the right to hide behind national sovereignty in order to violate the human rights or fundamental freedoms of its people. The Swedish Government strongly supported that fundamental principle.

18 The Commission should express condemnation, when necessary, but should equally suggest ways for dialogue. That did not imply imposing Western values, but ensuring respect for the human rights that were codified in international law and were universally binding. On that basis, the international community must react strongly against President Lukashenko's measures to silence the opposition in Belarus.

19 For many years Sweden and China had been engaged in dialogue and cooperation. Sweden had organized training in the human rights field in China and stood prepared to deepen that cooperation. China was reforming its legal system in a number of respects. However, restrictions continued to be imposed on fundamental freedoms, particularly of those who

expressed views different from the official thinking. In Tibet, the situation regarding freedom of religion had deteriorated further. The high number of death sentences carried out in China were unacceptable, as were the press censorship and restrictions on the use of the Internet.

20 Respect for human rights was an essential criterion for membership of the European Union. While Turkey, a candidate country, had taken steps to improve its human rights situation, much remained to be done, especially where the Kurdish population was concerned.

21 The abolition of the death penalty was a priority for the Swedish Government. It was ironic that the most fundamental human right, the right to life, had yet to be fully recognized in international law and that, though restricted, the death penalty was still not unlawful. That brutal and irrevocable form of punishment had no place in modern society. It was of concern that 37 States of the United States continued to impose the death penalty and 94 persons had been executed there since the Commission's previous session. Even if the struggle for human rights might seem endless, it was essential for every generation, mindful of what had been achieved and the situations it confronted, to bear its responsibility for enhancing human rights, democracy and peace.

STATEMENT BY MR. ABDULKADER BAJAMMAL, DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF YEMEN

22 Mr. BAJAMMAL (Yemen) said that the century that had just ended had witnessed great tragedies. Still, what aroused hope and optimism was that the forces seeking peace among peoples had become increasingly influential.

23 In Yemen the authorities had translated the commitments made the previous year before the Commission into actual programmes, endeavouring to make the non-governmental organizations (NGOs) their partners in all activities. First, the democratic process had been consolidated by a free and direct presidential election held the previous September. The candidates had campaigned all around the country and Mr. Ali Abdullah Saleh had been elected President of the Republic with 96.3 per cent of the vote. In addition, after a broad-ranging debate among all political and cultural forces, a law on local authorities had been enacted. Local council elections were to be held within a year in accordance with that law. The law on general elections was currently before the House of Representatives for updating and to ensure greater democracy and popular participation.

24 Secondly, a Supreme National Committee for Human Rights had been formed. That independent body, composed of 30 personalities representing intellectual and professional trends and including women, reflected the diversity of the Yemeni people. It had held a first session and worked out a programme of action. The establishment of a human rights fund, financed both by the State and the private sector, had been announced. Its initial capital was US\$ 1.5 million and it was managed jointly by the State and NGOs. The Fund had sponsored several activities, such as assistance to insolvent detainees required to pay damages, the construction of a women's prison providing a rehabilitation programme, and the creation of an establishment for adolescents.

25 The National Committee had taken part with NGOs in sponsoring several human rights activities, including a symposium, organized with the newspaper *Yemen Times*, to commemorate the fifty-first anniversary of the Universal Declaration of Human Rights. In cooperation with the Yemeni journalists' syndicate, it had organized a seminar on journalism and human rights. Through publications issued jointly with NGOs the Committee had been supporting the protection of the rights of the press and, again with NGOs, it had participated in activities to raise the awareness of human rights.

26 A training cycle for judicial review commissioners was under way and so far had been held in 15 governorates. Its purpose was to increase knowledge of laws and regulations, particularly in the human rights field.

27 Thirdly, where regional and international cooperation on human rights was concerned, he stated that in June 1999 the Republic of Yemen had, in collaboration with the National Democratic Institute for International Affairs (NDI), hosted the "New Democracies Forum". Sixteen States had taken part in the Forum and had adopted the important Sana'a Declaration. In February 2000 a regional symposium on economic and social rights and the right to development had been held in Sana'a under the aegis of the Office of the United Nations High Commissioner for Human Rights. Mrs. Mary Robinson's visit to Yemen had been fruitful and had led to the signing of an agreement of understanding on the implementation of a human rights technical assistance programme in Yemen.

28 Regarding a procedure for receiving complaints, the National Committee was involved in setting up a mechanism to deal with reports received locally or through regional and international organizations. Following a reform of the judicial system, the courts had become more efficient and independent. It remained to find a means of integrating the complaints mechanism into the normal administration of justice.

29 In conclusion, he thanked the Office of the High Commissioner for Human Rights for the constructive assistance given to the Republic of Yemen, which had strengthened the determination of the Yemeni authorities to join the new democracies and continue their action for better protection of human rights. As President Ali Abdullah Saleh had already announced, Yemen would be prepared to host the International Conference of New and Restored Democracies to be held in Asia in 2003.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)
(E/CN.4/2000/112)

30 The CHAIRMAN recalled that the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission had adopted its report (E/CN.4/2000/112) by consensus in February 2000 and had recommended that the report be considered at the earliest appropriate time at the fifty-sixth session of the Commission and, if acceptable, approved in its entirety through a single decision. The report should properly be considered under agenda item 20, "Rationalization of the work of the Commission", but since the recommendations of the Working Group would have implications for the deliberations of the current session, after consultations with the regional groups, it had been agreed that, pending consideration and adoption of the report under item 20, all the business of the session would be consistent with

both the content and spirit of the report. He advised delegations to refrain from entering into detailed discussion of the report before the consideration of item 20, because it would not be possible to implement the recommendations of the report before it had formally been adopted under that item. Until then, when reference to the matter was required, it could be limited to the following: "On the issue of ... the Commission is referred to the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112), which will be considered and approved under item 20". With a view to the adoption of the report by a single decision, he would, as soon as possible, in conjunction with the regional coordinators, prepare a text that would explain exactly which recommendations would be implemented during the current session and which would have to be carried over to the fifty-seventh session or put to the Economic and Social Council for endorsement.

31 Mr. RODRIGUEZ CEDEÑO (Venezuela), speaking on behalf of the Group of Latin American and Caribbean Countries, endorsed the procedure just outlined by the Chairman.

32 Mr. AYEMOH (Nigeria), Coordinator of the Group of African Countries, said that the report of the Working Group represented a consensus the merit of which was in part due to the Chairman of the fifty-fifth session. The African Group unreservedly supported what the current Chairman had said and hoped that the delicate balance achieved in the report would be respected and the report win consensus in the Commission.

33 Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland), Coordinator of the Group of Western Countries, also supported the Chairman's statement. It recognized the importance of the consensus reached in the Working Group and committed delegations to refrain from reopening the difficult issues dealt with in the report. It was the Commission's duty to adopt the report at the current session, in the manner set forth by the Chairman. As Coordinator of the Western Group, the United Kingdom delegation intended to work to ensure that early agreement was reached on a draft decision on agenda item 20.

34 Mr. SOMOL (Czech Republic), speaking on behalf of the Group of Central and East European Countries, approved the statement by the Chairman on how to deal with the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission. He welcomed the fact that the Group had reached a consensus, thanks to the spirit of cooperation among the regional groups and the competence of the outgoing Chairman. The Group of Central and East European Countries expressed its support for the procedure proposed by the Chairman.

35 Mr. WIRAJUDA (Indonesia), speaking on behalf of the Group of Asian Countries, thanked the Chairman for holding consultations to obtain a result acceptable to all. The Asian Group reaffirmed that the recommendations of the Working Group should be implemented in accordance with legislative procedures, avoiding legal complications. The Commission should take some time to reflect and consolidate the gains accruing from the consensus in the Working Group. The Chairman's statement clearly demonstrated that consensus was possible and the Asian Group endorsed it.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2000/13, E/CN.4/2000/14 and Corr.1, E/CN.4/2000/NGO/66, 67 and 68)

36 Mr. QIAO ZONGHUI (China) said that all peoples had the right to self-determination and that no country could interfere in the internal affairs of another by force, through economic sanctions or armed invasion. The international community should protect the principle of self-determination, which was elaborated in Articles 1 and 55 of the Charter of the United Nations and reiterated in many international decisions and documents. However, certain individuals flouted that principle, openly advocating separatism vis-à-vis sovereign States on the pretext of protecting human rights and self-determination. That wilful trampling on the Charter and the principles of international law must be condemned by all the peoples of the world.

37 In the Middle East, the key to peace and stability lay in restoring the rights of the Palestinian people, including its right to self-determination and to a just solution of the Palestinian question. It had to be hoped that the parties concerned would adopt a flexible and pragmatic approach, so as to promote progress in the Middle East peace process on the basis of the United Nations resolutions and the agreements existing between them.

38 Mr. SUTOYO (Indonesia) noted that the human rights situation in the occupied Arab territories, including Palestine, was slowly improving, despite the flagrant violations committed by the Israeli Government, as could be seen from document E/CN.4/2000/22/Add.1, submitted by the Arab League. Real, albeit too slow, progress was under way, for example in the form of withdrawals from the West Bank. The deadlines for those withdrawals had not been respected and the difficulties that had arisen might lead to more violence. Many of the good intentions proclaimed had not actually materialized. All the parties should therefore be urged to return to the negotiating table and act decisively. The resumption of talks in Washington and the forthcoming meetings between Presidents Bill Clinton and Hafez El Assad should reinforce the impetus of the peace process.

39 For its part, the United Nations must insist on the unconditional withdrawal of Israeli forces from all occupied Palestinian and Arab territories, in accordance with Security Council resolutions. The question of human rights violations in those territories and the Palestinian people's right to self-determination must remain a priority concern for the Commission.

40 The Government and the people of Indonesia reiterated their support for the Palestinian people and reaffirmed its right to a State and a homeland as part of a comprehensive, just and durable peace settlement in the Middle East.

41 Mr. AKRAM (Pakistan) said he saw no contradiction between the right to self-determination and the principle of the territorial integrity of States, the two principles being mutually reinforcing in a genuine democracy. A democracy that was shy of allowing a people to exercise the right to self-determination was a contradiction in terms. That was the case of India which, despite Security Council resolutions 47 (1948) and 80 (1950) providing for a plebiscite in Kashmir under the auspices of the United Nations, was still refusing the Kashmiris their right to express their will freely and democratically. Every so-called election held by India in

Jammu and Kashmir had been a farce, marked by massive coercion and corruption. The Security Council had recognized that those sham elections did not replace a plebiscite sponsored by the United Nations. Not only had India met every negotiating proposal from Pakistan with hostility, it had escalated its repression in Kashmir, threatened Pakistan and vetoed offers of mediation from all quarters. While certain major Powers had shied away from pressing India to accept dialogue, the Commission on Human Rights could not divest itself of its responsibility to respond to the gross and consistent violations of human rights in Jammu and Kashmir. If it remained silent about the suffering of the Kashmiri people, the Commission would be justifying the perception that international intervention was selective and biased, that where repression was visited on Muslims human rights bodies were silent or indifferent. The Commission must urge India to halt the massacres in Indian-held Kashmir. India must release all Kashmiri leaders in detention, it must allow humanitarian assistance to Kashmir, the stationing of human rights monitors in the region and the continued presence of international human rights organizations in Kashmir, and it must remove its military detachments from Kashmiri towns and villages and halt the crackdowns against their inhabitants. Ultimately India would have to fulfil its promise to hold a free and fair plebiscite in Jammu and Kashmir under United Nations auspices in accordance with the relevant Security Council resolutions.

42 Mr. NSEIR (Syrian Arab Republic) noted that respect for the right to self-determination underpinned the exercise of all the other human rights. The hegemonistic and expansionist policy waged by Israel for more than 50 years was depriving the Palestinian people of that essential right. All kinds of violence and repression were being used against that people to prevent it from exercising its right freely to choose its destiny. Far from respecting that right, Israel described as terrorists those who were fighting to ensure its triumph and the end of the occupation. But everyone knew that terrorism was just that: occupation by force and a refusal to respect the law. Resistance was a right and those who resisted could not be called terrorists.

43 Mr. BALLESTEROS (Special Rapporteur), presenting his report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2000/14), stated that he had visited the United Kingdom on mission to gather information on private military security companies that might become involved in armed conflicts by recruiting mercenaries. He had also undertaken various activities in Geneva in the discharge of his mandate and, in September 1999, had visited Cuba at the invitation of the Government of that country. The basic purpose of that visit had been to investigate terrorist attacks on hotels and other tourist facilities in Havana committed by mercenary agents during 1997. The Special Rapporteur had conducted private interviews, without witnesses, of those responsible for the attacks, namely Raúl Ernesto Cruz León and Otto René Rodríguez Llenera, both of Salvadoran nationality. The two accused men had admitted being recruited by persons living outside Cuba who had paid them money to carry out the attacks. The Special Rapporteur had also interviewed Guatemalan nationals who had been offered considerable sums of money to place explosives in Cuban tourist facilities.

44 It appeared from the investigation that the attacks had been terrorist acts that were part of a vast plan conceived outside Cuba with the aim of disrupting Cuban tourism and thus hindering Cuban economic recovery. In that particular case, an assessment of the material damage was of

little importance, because what was impossible to measure was the harm caused to a country by the attempt to create, on an international scale, a climate of fear that would isolate it and mark it as unsafe

45 The acts described in the report, which had caused the death of an Italian national and created panic and insecurity in Cuba, constituted an infringement of the fundamental rights of the Cuban people. They were also mercenary activities, criminal responsibility for which was not confined to the actual perpetrators of the crimes. For mercenaries were not only those who carried out the attacks, but also those who recruited, trained and financed them. He wondered whether the latter had acted exclusively on their own account or on behalf of foreign organizations. That was the question that required clarification. Opposition to a government or regime was a recognized political right, but one that could only be exercised by lawful means. The exercise of that right ended where violence and terror began. That was all the more true when such opposition was located outside the national territory and was attempting to assault the Government from abroad, by means of acts of violence that no national or international law authorized or legitimized.

46 Mr. AMAT FORÉS (Cuba) said that Mr. Ballesteros' report gave irrefutable proof of the terrorist nature of the various attacks carried out in 1997 by mercenaries against tourist facilities in Cuba. Those attacks highlighted the existence of a plan conceived and financed outside Cuba by, among others, Cuban-American agents with links to the famous Fundación Nacional Cubano-Americana, which was in fact more American than Cuban. That organization was known for its terrorist acts and its links with known international criminals such as Orlando Bosh and Luis Posada Carriles. The Cuban authorities had revealed the clandestine and paramilitary structure of the Fundación and the role played in it by a certain Luis Zuñiga Rey, who had been seen in the Commission itself posing as a diplomat from a Central American country.

47 The acts described in Mr. Ballesteros' report were part of the hostile, brutal policy carried out by the United States Government over 40 years to destroy the political, economic and social system freely chosen by the Cuban people in the exercise of its sovereignty and its right to self-determination. That dirty war against Cuba had resulted in the loss of many human lives and the total or partial disablement of more than 2,000 persons and had caused enormous material damage. Certainly, the actual perpetrators of the attacks had been punished, but those who had recruited, trained and financed them were still at large. It was those individuals and the organizations to which they belonged that ought to be unequivocally condemned. He hoped that the Special Rapporteur would pursue his investigations to the limit, including in the countries directly implicated in the attacks. Cuba demanded that, in accordance with international law, those really responsible for the crimes, namely those who had planned and organized them, should be tried by an impartial court or, failing that, be made an example of by extradition for trial and punishment.

48 Mr. PANDITA (African Commission of Health and Human Rights Promoters), referring to document E/CN.4/2000/14, said that the organization he represented endorsed the view of the Special Rapporteur that the exercise of political rights ended where violence and terror began. The Special Rapporteur had got to the root of the problem when he said that violence and terror perverted and delegitimized opposition to a Government and that that was the more true if such opposition was located outside the national territory and was attempting to assault the

Government from abroad by means of acts of violence that no national or international law authorized. The Special Rapporteur had examined in detail the use, in Cuba, of mercenaries to impede the exercise of the right to self-determination. It was to be hoped that he would also go to other regions, notably South Asia, to observe the extent of the phenomenon of the use of mercenaries there and the fact that it sometimes involved Governments and groups that shared a common ideology. The massacre by foreign mercenaries of 35 members of a minority community in the Indian part of Kashmir two days earlier was a case in point. The crucial issue, which the Special Rapporteur had raised but which had not yet been properly discussed, was the following: who were the real culprits, the mercenaries or those who recruited, armed, financed and infiltrated them?

49 Finally, it might occur that an NGO insufficiently informed of the situation on the ground would go to the length of recommending the partition of a country, on the pretext of defending the cause of a small group of dissidents. That constituted an error of perception deriving from a failure to distinguish between peoples suffering colonial or alien domination or foreign occupation and individuals who had exercised their right to self-determination but who were fighting for the full realization of that right.

50 Mr LITTMAN (Association for World Education) recalled a statement on the question of Palestine made 10 years before in the Commission on Human Rights in which he had suggested the creation of a partnership between Israel, Jordan and the Palestinians, along the lines of what Churchill in 1946 had called the future United States of Europe. In that statement (E/CN.4/2000/NGO/4), he had noted that, just as European integration had had modest beginnings about 50 years before in the European Coal and Steel Community, so in the Middle East water management and other economic measures might give rise to more developed forms of cooperation and integration in the coming decade. He had to emphasize, however, that such a prospect could only become reality if at the same time there was a general movement towards democracy and respect for human rights in all countries of the Middle East. Certain positive signs were appearing on the horizon and a new spirit of cooperation seemed to be emerging in the region.

51 The year 2000, which the Catholic Church had proclaimed as a jubilee year, should be the occasion for Pope John Paul II to pursue the work of purification and ecumenical reconciliation that he had begun 20 years ago. The Association for World Education wished to take that historic opportunity to ask His Holiness, during his pilgrimage to the Holy Land, to obtain the removal of the racist and libellous commemorative stone plaque that was to be found in the Terra Sancta Church in Damascus. The Pope should also authorize historians to consult the Vatican and Capuchin archives on the 1840 event commemorated by the plaque. That symbolic gesture, which it was to be hoped President Hafez El Assad would encourage, would be a way of confirming that Judaism, Christianity and Islam were destined to become true partners in the Middle East peace process.

52 Mr VAN WALT VAN PRAAG (World View International Foundation) said that the overwhelming majority of the conflicts that took place in the world and that were the subject of debates in the Commission in Geneva centred around the right of peoples to self-determination, a right that States countered by the concept of unity and territorial integrity. Maintaining the unity and territorial integrity of a State should have no other end than that of promoting the peace,

security and well-being of its inhabitants. Such a goal was incompatible with the massacre of civilians and the wholesale destruction of the means of subsistence of an entire people, as was happening in Chechnya, even though the Russian Government had in 1997 recognized the right of the Chechens to self-determination. It was for the Commission on Human Rights to carry out a thorough investigation of the war crimes and crimes against humanity that had been and continued to be committed in Chechnya in the name of the unity and territorial integrity of Russia.

53 The peaceful implementation of the right to self-determination was the key to preventing and resolving conflicts. That was the conclusion reached after five days of discussions by international experts convened in Barcelona by the UNESCO Division of Human Rights and Peace in November 1998. The very broad and very true definition of self-determination given by the experts made it possible to reconcile the preservation of territorial integrity with the yearning of peoples to determine their own destiny. That was what the Government of the People's Republic of China must understand. That Government had a unique opportunity at the current time to resolve peacefully a conflict that had caused suffering to the Tibetan people for almost five decades. The Dalai Lama had made it repeatedly and abundantly clear that he was not calling for Tibetan independence. China's refusal to negotiate terms for real autonomy for Tibet and its determination by all means to crush the Tibetan people's desire for freedom should be clearly and strongly denounced.

54 In other regions of the world peace processes were under way. The Government of Papua New Guinea was engaged in talks with Bougainville, the Government of India was negotiating with the leaders of Nagaland, and the Government of Bangladesh had concluded a peace agreement with the leaders of the Chittagong Hill Tracts. Similarly, the President of Indonesia should be encouraged in his efforts to conduct a dialogue with the Acehnese, the Moluccans and the Papuans.

55 In conclusion, he noted that he had mentioned Tibet in particular because the legitimate struggle of the Tibetan people for self-determination was one of the oldest and because they were one of the few peoples who refused to resort to violence to win the attention and support of the international community. If the Commission could not muster the courage even to debate the issue, the message it would send to all self-determination movements would be that the international community only paid attention when sufficient blood had been shed.

56 Mr. GUERRERO (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) noted that Western Sahara was the only colonized country on the African continent. The inhabitants of the territories occupied by Morocco were the victims of fierce repression, while the referendum on the self-determination of the Saharan people was constantly being postponed. The peace plan of the United Nations and the Organization of African Unity (OAU) was at a complete standstill. To justify the postponement of the referendum it was claimed that the electoral roll drawn up by MINURSO had been the subject of a large number of appeals.

57 The Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos considered that the United Nations guidelines for the appeals procedure were not being followed.

correctly. In fact, the great majority of the appeals came from Moroccan citizens who had offered no justification for their demand for inclusion on the electoral rolls. As a result, those demands should be rejected.

58. Certain countries were suggesting a "third way" which should make it possible to avoid a conflict in Western Sahara. Those countries were hiding the fact that the risk of conflict was due to the manoeuvres of Morocco, which was trying to be obstructive, with the consent of the United Nations and the international community.

59. The Federación considered that only a referendum on self-determination, under the auspices of the United Nations and supported by the international community, could resolve the Saharan problem in accordance with both the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 and the OAU Charter.

60. Mr. HAZARIKA (Interfaith International) said that many peoples would like to see their dream of freedom made reality, as the people of East Timor had been able to do recently, thanks to the help of the United Nations. That was true, for example, of the people of Assam, which an accident of decolonization had caused to be attached to India. The Indian authorities refused to recognize the right of Assam to self-determination, even though it was an inalienable right bestowed by the Charter of the United Nations.

61. In that State, human rights activists were the target of the Indian security forces. Torture, disappearances and rape were regular occurrences. One of those human rights activists, Mr. Ananta Kalita, had almost been killed by the police on 18 September 1999. If adopted, the proposed criminal law amendment bill, whose section 4 (1) prevented real discussion between the Government of India and the armed opposition group in Assam, would only make the situation worse.

62. Interfaith International asked the Commission on Human Rights, on the one hand, to take up the question of Assam and the territories of north-east India and help the opposing parties to open a serious discussion on self-determination for those territories and, on the other, to intervene to prevent human rights violations in that region.

63. Ms. RAMADAN (Nord-Sud XXI) recalled that on 18 April 1996 the Israeli occupying forces in southern Lebanon had opened fire on the Qana base of the United Nations Interim Force where over 800 civilians had taken refuge. Over 100 had been killed, half of them children. All the evidence suggested that the massacre had been deliberate. In his preliminary report, Major General Franklin van Kappen, Military Adviser to the Secretary-General of the United Nations, after investigating the incident, had concluded that it was unlikely that the shelling was the result of gross technical error. Nord-Sud XXI asked that General van Kappen's final report at last be made public so that full light could be shed on that massacre.

64. Ms. DEEB (Nord-Sud XXI) said that on 18 April 1996 she had been at the UNIFIL base, where she and the other refugees thought they were safe. Bombs had begun to fall on the base and she had fainted. On recovering consciousness she had found herself surrounded by dead bodies. She herself had lost her right hand and left foot. She added that the Israeli forces had even had the barbarity to bomb the hospital.

65 Mr. ARRAIZA NAVAS (American Association of Jurists) spoke of the population of Vieques, victims of a violation of their fundamental rights. Three-quarters of the island of Vieques near Puerto Rico was occupied by the United States Marines, who practised intensive bombardments there and used pollutants that caused serious illness among the population. The presence of the Marines was prejudicial to the island's economy, since they occupied the most fertile land and the best coastal regions, to the detriment of tourism and fishing. They were even trying to dislodge the population from the island and did not hesitate to have those who opposed them killed.

66 Moreover, the territory served as a base for preparing military attacks against other States of the Caribbean and elsewhere and thus Puerto Rico might become the target of military reprisals. The General Assembly had stressed the fact that Administering Powers had a duty to dismantle their military bases, which were an obstacle to the implementation of resolution 1514 (XV) and to the development of the peoples concerned. The inhabitants of Vieques had since April 1999 been holding demonstrations at the Marines' firing range and had succeeded in interrupting their military manoeuvres for a long time. In September 1999 a Caribbean commission on human rights had observed the existence of serious and gross violations of those rights on Vieques.

67 The President of the United States had made a proposal that did not in any way guarantee the withdrawal of the Marines: a referendum was to be organized by the Marines, with the sole aim of maintaining their presence in Vieques. Civil society in Puerto Rico had categorically rejected the proposed referendum, as well as the continued firing on Vieques.

68 In view of the foregoing, the Association of American Jurists called on all States that had ratified the International Covenant on Civil and Political Rights to have recourse to the procedure set forth in articles 41 and 42 of the Covenant, so that the United Nations Human Rights Committee might exercise its competence in the matter. The Association invited the Committee to request the Government of the United States to include information on the aforementioned facts in the next report it was to present under article 40 of the Covenant. It was intolerable that a people should be made subservient to the military interests of a metropolitan power that violated the elementary principles of territorial integrity and sovereign equality.

69 Mr. SHAUKAT ALI KASHMIRI (European Union of Public Relations) recalled that Kashmir was currently divided among three States, India, Pakistan and China. Neither India nor Pakistan, which controlled the bulk of Kashmiri territory, really envisaged the possibility of the Kashmiri people's choosing independence in the exercise of its right to self-determination.

70 The people of the Northern Areas, who were under Pakistani control, were not treated as either Kashmiris or Pakistanis. The recent elections to the Northern Areas Council had been a farce, for that organ did not wield any real power and voter turnout had been less than 20 per cent. The level of participation in the latest elections in Indian-held Jammu and Kashmir had been no higher. India blamed the absenteeism on threats issued by terrorists manipulated by Pakistan. Surprisingly, both countries claimed that the elections were representative and even implied the exercise by the voters of their right to self-determination.

71. Desirous of preserving its language, culture, traditions and identity, which were under grave threat, the Kashmiri people demanded a real possibility of exercising its right to self-determination.

72. Ms. SHAUMENIAN (International Institute of Peace) said that Afghanistan had been transformed into a colony of Pakistan, which used the Taliban as its proxy. The Taliban had Pakistanis in their ranks and continued to deny the people of Afghanistan the right to determine its own destiny. Minorities were suppressed and the country's resources devoted to opium production. Several investigations had established that the Taliban and Pakistan's military and intelligence establishment were involved in the narcotics trade, which financed Pakistan's subversion against its neighbours, as well as the Taliban armies.

73. In 1947 Pakistan had occupied large parts of the Indian State of Jammu and Kashmir, including the Northern Areas, and it was that region that it had used as a rearward base for its 1999 aggression against India in the Kargil region. It was also in those territories that terrorist organizations like Harkat ul Mujahideen had set up their training camps.

74. All that information came from the Pakistani media and international sources. He wondered whether Pakistan was so unsure of itself that it felt the need to conquer and colonize more territory. As the Pakistani Herald had written in June 1999, "Fifty years after the event the State still feels obliged to define itself through what it is not, the other - India".

75. Mr. QUERESHI (Afro-Asian Peoples' Solidarity Organization) stated that in Pakistan the military dictatorship of a Punjabi-dominated army was oppressing and exploiting the other nationalities in Pakistan, namely the Sindhis, the Mojahirs, the Baluchis and the Seraikis, like a foreign colonial power.

76. The Seraiki nation did not confuse self-determination with secessionism. It was merely asking to be able to exercise its right to self-determination within the nation State. It hoped its voice might be heard, even though it had no guns or bombs.

77. The CHAIRMAN invited States that so wished to exercise their right of reply.

78. Mr. SUNGAR (Observer for Turkey) said he wished to make it clear to the Foreign Minister of Sweden that there was no discrimination whatsoever against any Turkish citizen on the basis of racial, social, religious or ethnic origin. The equality of all citizens before the law was an essential constituent principle of the Republic of Turkey.

79. Citizens of Kurdish origin were not discriminated against on any grounds. They were free to use their own language in public as well as in private and they enjoyed full participation in society and in the political system. They also had the liberty to express their opinions through their own media, in their own language. The Turkish delegation could provide the Foreign Minister of Sweden with the full list of Turkish media printed or broadcast in the Kurdish language.

80. Mr. PRASAD (India) said that his delegation was constrained to respond to the way in which Pakistan had distorted the principle of self-determination in aid of its territorial

aggrandizement. Self-determination was a right applicable to the peoples of non-self-governing colonies and trust territories. Once exercised, that right enabled a whole people freely to choose its own form of government and all segments of society to participate collectively in national decision-making through representative, democratic institutions. The principle of self-determination could not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

81 Pakistan, which was far from being a model of democracy, should ensure the right of self-determination for its own people, rather than sermonizing to others about it.

82 The representative of Pakistan had also accused India of threatening Pakistan and indulging in provocative acts. Regrettably, he had not had the courage to say that the Prime Minister of India had paid a historic visit to Pakistan in February 1999 in a quest for peace. Pakistan's response to that had been aggression in the Kargil area of the Indian State of Jammu and Kashmir.

83 Mr. AKRAM (Pakistan) said he was surprised that India could assert that the Kashmiris had exercised their right to self-determination and had decided freely to become part of India. If that were indeed the case, India would not need to maintain more than half a million soldiers in the region. It was, in fact, a case of State terrorism, reflected notably in the massacre of many Kashmiri civilians.

84 It should also be recalled that India had thrice launched aggression against Pakistan, with the aim of dismembering that country and, in recent months, had repeatedly threatened Pakistan with a new war.

85 To restore peace to Jammu and Kashmir, Pakistan had made concrete proposals to which the representative of India had taken care not to reply.

86 Mr. PRASAD (India) said that, if there was a problem in Kashmir, there was only one reason for it and that was the acts of terrorism being perpetrated there by mercenaries and terrorists sent in and financed by the Government of Pakistan.

87 Mr. AKRAM (Pakistan) said that, in a recently published report, Amnesty International had stated that in Jammu and Kashmir dozens of cases of torture, deaths in detention and extrajudicial executions were reported each year and that all the leaders of the All Party Huriyat Conference were in prison for having called on the electorate to boycott the 1999 elections.

88 On the subject of terrorism, it would be recalled that, in 1971, the Indian secret service had hijacked an aircraft bound for Lahore, attributing the hijacking to the Kashmiri national movement so as to make it look like a terrorist act. It was an established fact that the Indian secret service had carried out many other terrorist acts of that type.

The meeting rose at 6.05 p.m.